

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.  
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

ALYESKA MASTER FUND, L.P.,  
ALYESKA MASTER FUND 2, L.P., and  
ALYESKA MASTER FUND 3, L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II *et al.*,  
Defendants.

Civil Action No. 4:22-cv-01189

Judge George C. Hanks, Jr.

ORBIS GLOBAL EQUITY LE FUND  
(AUSTRALIA REGISTERED), *et al.*,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II; *et al.*,

Defendants.

Civil Action No. 4:22-cv-02590

Judge George C. Hanks, Jr.

**APPENDIX TO DEFENDANTS' REPLY IN SUPPORT OF  
MOTION TO EXCLUDE OPINIONS OF EXPERT WITNESSES  
STEVEN P. FEINSTEIN AND ZACHARY NYE UNDER RULE 702**

In accordance with Court Procedure 7(B)(3), Moving Defendants submit this Appendix in support of their Reply in Support of Motion to Exclude Opinions of Expert Witnesses Steven P. Feinstein and Zachary Nye, which is filed concurrently herewith. Moving Defendants rely on the following evidence to support their motion:

<b>Ex. No.</b>	<b>Description</b>
5	Excerpts of the Deposition of Audra L. Boone, Ph.D. taken on November 16, 2023

Dated: February 2, 2024

Respectfully submitted,

By /s/ J. Christian Word  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ J. Christian Word  
J. Christian Word

# **EXHIBIT 5**

Page 1

1  
2                   UNITED STATES DISTRICT COURT  
3                   SOUTHERN DISTRICT OF TEXAS  
4                   HOUSTON DIVISION

5                   -----\*

6    **IN RE ALTA MESA RESOURCES, INC.**  
7    **SECURITIES LITIGATION**

8                   -----\*

9                   **STENOGRAPHIC AND VIDEO-RECORDED**  
10                  **REMOTE VIRTUAL DEPOSITION OF**  
11                  **AUDRA L. BOONE, Ph.D.**

12                  **Thursday, November 16, 2023**

13                  **9:50 a.m.**

14  
15  
16  
17                  **Stenographically recorded by:**

18                  **Josephine H. Fassett, RPR, CCR**

19  
20                  **Job No. 6316198**

Page 2	Page 4
1	1
2      Thursday, November 16, 2023	2 APPEARANCES (cont'd.):
3              9:50 a.m.	3 APPEARING ON BEHALF OF DEFENDANTS ALTA MESA
4	4 RESOURCES, INC., JAMES T. HACKETT, HARLAN H.
5      T R A N S C R I P T of the stenographic and	5 CHAPPELLE, WILLIAM GUTERMUTH, JEFFREY H. TEPPER,
6 video-recorded remote virtual deposition of AUDRA L.	6 THOMAS J. WALKER, DIANA J. WALTERS, RIVERSTONE
7 BOONE, Ph.D., held pursuant to the Federal Rules of	7 INVESTMENT GROUP LLC, STEPHEN COATS, MICHAEL E.
8 Civil Procedure, on Thursday, November 16, 2023,	8 ELLIS, PIERRE F. LAPEYRE, DAVID M. LEUSCHEN, DONALD
9 commencing at approximately 9:50 a.m.,	9 SINCLAIR, AND RONALD SMITH:
10 stenographically recorded by Josephine H. Fassett, a	10 LATHAM & WATKINS LLP
11 Registered Professional Reporter, Certified Court	11 555 Eleventh Street, N.W.
12 Reporter, and Notary Public of the states of New	12 Suite 1000
13 York and New Jersey.	13 Washington, D.C. 20004
14	14 202.637.2200
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25	25
Page 3	Page 5
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25	25

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<p>1</p> <p>2 -----INDEX-----</p> <p>3 WITNESS PAGE</p> <p>4 AUDRA L. BOONE, Ph.D.</p> <p>5 By Mr. Smith 9</p> <p>6 By Mr. Hampson 228</p> <p>7</p> <p>8 AFTERNOON SESSION - 129</p> <p>9</p> <p>10 -----EXHIBITS-----</p> <p>11 PLAINTIFF DESCRIPTION PAGE</p> <p>12 Exhibit 807 Expert Report of Professor Audra 27</p> <p>13 L. Boone, Ph.D., dated October</p> <p>14 19, 2023</p> <p>15 Exhibit 808 Expert Report of Zachary Nye, 237</p> <p>16 Ph.D., dated August 31, 2023</p> <p>17 Exhibit 809 Article titled Shareholder 285</p> <p>18 Litigation Risk and the</p> <p>19 Information Environment:</p> <p>20 Revisiting Evidence from Two</p> <p>21 Natural Experiments dated May 5,</p> <p>22 2023</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 7</p> <p>1 BOONE, Ph.D.</p> <p>2 stenographic record.</p> <p>3 If there are any objections to</p> <p>4 proceeding today, please state them now.</p> <p>5 Hearing no objections, the court</p> <p>6 reporter may swear in the witness and we</p> <p>7 can proceed.</p> <p>8 AUDRA L. BOONE, Ph.D.</p> <p>9 the witness, having been duly sworn, was examined</p> <p>10 and testified under oath as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. SMITH:</p> <p>13 Q. Good morning, Ms. Boone. Am I</p> <p>14 pronouncing your last name correct, Boone?</p> <p>15 Am I pronouncing your last name</p> <p>16 correctly?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. All right. Can you please state your</p> <p>19 full name for the record.</p> <p>20 A. My name is Audra Boone. A-u-d-r-a</p> <p>21 B-o-o-n-e.</p> <p>22 Q. Okay. Thank you.</p> <p>23 And my name is Trig Smith. I work for</p> <p>24 the law firm of Robbins Geller, the counsel that</p> <p>25 represents plaintiffs in the class case. Do you</p>

<p>Page 170</p> <p>1 BOONE, Ph.D.</p> <p>2 A. Again, as I'm understanding, you're</p> <p>3 telling me they're not linked, and I'm making the</p> <p>4 assumption, based on the evidence that you gave,</p> <p>5 that the warehouse delayed reporting, there's</p> <p>6 somebody made a determination there was fraud. So</p> <p>7 based on the hypothetical that you gave me, again,</p> <p>8 I don't see that there's a link that was between</p> <p>9 those two based on the information that I</p> <p>10 understand you gave me.</p> <p>11 Q. And you would agree that in the</p> <p>12 instance, the hypothetical that we've agreed to,</p> <p>13 that that disclosure of the CFO being fired would</p> <p>14 be potentially negative confounding information?</p> <p>15 A. Based on the information that you've</p> <p>16 presented that there are two pieces of information</p> <p>17 that you've told me are unrelated to each other,</p> <p>18 that is possible that could be viewed as</p> <p>19 confounding information if they were again</p> <p>20 released at the exact same time with each other.</p> <p>21 Q. And you would agree under that</p> <p>22 hypothetical if a plaintiff's expert were trying</p> <p>23 to estimate what the damages were, the expert</p> <p>24 would have to control for that negative</p> <p>25 confounding information to arrive at what the</p>	<p>Page 172</p> <p>1 BOONE, Ph.D.</p> <p>2 for a legal conclusion.</p> <p>3 A. So I just want to be clear. Now we're</p> <p>4 stepping back from the hypothetical, we're back</p> <p>5 into the specifics of the case with Alta Mesa</p> <p>6 Resources?</p> <p>7 Q. Yes.</p> <p>8 A. Okay. Again, for what I have -- what my</p> <p>9 conclusion is, is that the plaintiffs' experts</p> <p>10 have not provided information that could go to a</p> <p>11 jury that would tell them how much of any price</p> <p>12 decline was associated with any particular piece</p> <p>13 of information.</p> <p>14 Q. And I understand that, but that's not</p> <p>15 answering my question.</p> <p>16 My question is: Is it your position in</p> <p>17 this case that after the jury has seen all the</p> <p>18 evidence provided to it, including the experts'</p> <p>19 opinions, and the way that evidence is presented,</p> <p>20 that the jury would be incapable of making the</p> <p>21 allocation decision that you're criticizing</p> <p>22 Dr. Feinstein for failing to do?</p> <p>23 MS. MARURI: Objection. Calls for a</p> <p>24 legal conclusion.</p> <p>25 A. I don't know what the jury would be able</p>
<p>Page 171</p> <p>1 BOONE, Ph.D.</p> <p>2 damage figure is?</p> <p>3 A. If somebody were to approach this and</p> <p>4 they wanted to assign specific damages to the</p> <p>5 information about the warehouse burning down, they</p> <p>6 would -- and, again, the specific damages -- they</p> <p>7 would need to consider how much of the residual</p> <p>8 return that day was due to that particular</p> <p>9 information relative to the unrelated information.</p> <p>10 Q. Thank you.</p> <p>11 I think we're getting towards the end of</p> <p>12 this. I just have a handful of questions left.</p> <p>13 And if you need a break, just let me know. I'm</p> <p>14 more than happy to accommodate it between now and</p> <p>15 then.</p> <p>16 I'm not asking you whether this is an</p> <p>17 opinion that you're stating in your report, I just</p> <p>18 want to make that clear.</p> <p>19 Is it your position that a jury would be</p> <p>20 incapable, in light of all the evidence that it's</p> <p>21 presented during trial, of concluding how much of</p> <p>22 that inflation is attributable to the ICFR</p> <p>23 statement and the other bits of confounding</p> <p>24 information that you've identified?</p> <p>25 MS. MARURI: Object to form. Calls</p>	<p>Page 173</p> <p>1 BOONE, Ph.D.</p> <p>2 to conclude, but I do know that the information</p> <p>3 that is presented in the plaintiffs' reports do</p> <p>4 not provide any roadmap for how much of the</p> <p>5 returns were associated with any of the purported</p> <p>6 corrective disclosures.</p> <p>7 Q. Again, I understand that, but that's not</p> <p>8 responding to my question.</p> <p>9 My question is, is after the jury</p> <p>10 considers all the evidence in the case, is it your</p> <p>11 position that they would have been incapable of</p> <p>12 making the allocation decision that you're</p> <p>13 criticizing Dr. Feinstein for failing to do with</p> <p>14 regard to Mr. Dimitrievich and Mr. McMullen?</p> <p>15 MS. MARURI: Objection to form.</p> <p>16 A. Yeah, I don't know what the jury would</p> <p>17 be able to determine. That's not my role here is</p> <p>18 to do that, other than, again, to point out that</p> <p>19 based on what I've seen there's not information</p> <p>20 to -- presented to them that would do that.</p> <p>21 Q. Is it your position that a jury is</p> <p>22 incapable of looking at the evidence and saying,</p> <p>23 well, I know what a big lie is and I know what a</p> <p>24 small lie is, so, you know, I'm just going to --</p> <p>25 this artificial inflation that's been given to me,</p>

<p>1                   BOONE, Ph.D.</p> <p>2 I'm just going to apportion 10 percent to the ICFR</p> <p>3 false statement. Do you think that that would be</p> <p>4 an improper jury verdict?</p> <p>5                   MS. MARURI: Objection. Calls for a</p> <p>6 legal conclusion.</p> <p>7                   A. Yeah, I don't know what the jury would</p> <p>8 be capable of. I mean, it would be based on the</p> <p>9 entirety of the evidence that is presented at</p> <p>10 trial.</p> <p>11                  What I can offer you is to say, again,</p> <p>12 based on what I have reviewed and put in my</p> <p>13 report, there is no economic evidence that has</p> <p>14 been offered by plaintiffs that would allow them</p> <p>15 to disaggregate any information associated with</p> <p>16 the ICFR and alleged -- and risk alleged</p> <p>17 misstatements.</p> <p>18                  Q. Okay. That's just based on the evidence</p> <p>19 that you've seen cited in the expert reports,</p> <p>20 correct?</p> <p>21                  A. Yeah, and any of the other public</p> <p>22 filings that I have reviewed.</p> <p>23                  Q. And you don't pretend to have any</p> <p>24 knowledge whatsoever of the entirety of the record</p> <p>25 in this case -- what that evidence says. How it</p>	<p>Page 174</p> <p>1                   BOONE, Ph.D.</p> <p>2                   MS. MARURI: Objection. Asked and</p> <p>3 answered multiple times.</p> <p>4                   A. As I'm sitting here today, I don't know</p> <p>5 all the evidence that would be presented to the</p> <p>6 jury, nor am I on the jury, right, to make a</p> <p>7 determination. But the evidence that I reviewed</p> <p>8 regarding the reports of Professor Feinstein, and</p> <p>9 Dr. Nye as well, do not offer any disaggregation</p> <p>10 of the different information that was disclosed</p> <p>11 that day that would provide a roadmap for</p> <p>12 allocating specific damages to any particular</p> <p>13 party.</p> <p>14                  Q. Is it your position that Dr. Feinstein</p> <p>15 has not done that, that the jury does not have the</p> <p>16 tools necessary to make the allocation decision?</p> <p>17                  MS. MARURI: Objection. Calls for a</p> <p>18 legal conclusion.</p> <p>19                  A. I don't know what other tools the jury</p> <p>20 might be given here. But Doctor or Professor</p> <p>21 Feinstein's report does not give information on</p> <p>22 the disaggregation of any of those particular</p> <p>23 parts, so that's where my opinion is.</p> <p>24                  Q. Is it your position that it would be</p> <p>25 impossible for the jury to make the allocation</p>
<p>1                   BOONE, Ph.D.</p> <p>2 may be presented to a jury -- you don't have any</p> <p>3 knowledge of that, right?</p> <p>4                  MS. MARURI: Objection to form.</p> <p>5                  Misstates prior testimony.</p> <p>6                  A. So, again, the -- I stayed within the</p> <p>7 scope of my assignment, which was to look at those</p> <p>8 two, look at those two misstatements. So as part</p> <p>9 of that I didn't deem it necessary to look at</p> <p>10 everything else because I was only confining to</p> <p>11 these particular misstatements and the general</p> <p>12 issue of how the analysis was done to allocate any</p> <p>13 damages.</p> <p>14                  Q. Do you know how many pages of documents</p> <p>15 have been produced in this case?</p> <p>16                  A. I do not know.</p> <p>17                  Q. Millions. Have you looked at all that</p> <p>18 evidence?</p> <p>19                  A. It wasn't within the scope I deemed</p> <p>20 necessary, so I have not reviewed millions of</p> <p>21 pages.</p> <p>22                  Q. All right. So is it your position that</p> <p>23 the jury would not have the necessary tools to</p> <p>24 make the allocation decision that you're</p> <p>25 criticizing Dr. Feinstein for?</p>	<p>Page 175</p> <p>1                   BOONE, Ph.D.</p> <p>2 decision that you're criticizing Dr. Feinstein for</p> <p>3 failing to do -- strike that.</p> <p>4                  Is it your position that because</p> <p>5 Dr. Feinstein didn't do that analysis that the</p> <p>6 jury could not reach a verdict regarding the</p> <p>7 allocation decision that you're criticizing</p> <p>8 Dr. Feinstein for?</p> <p>9                  MS. MARURI: Objection. Calls for a</p> <p>10 legal conclusion.</p> <p>11                  A. I don't have any other information to</p> <p>12 know what the jury might be presented with.</p> <p>13                  Q. Okay.</p> <p>14                  A. My role here is to analyze the economic</p> <p>15 evidence on the damages for these misstatements</p> <p>16 attributed to Mr. Dimitrievich and Mr. McMullen.</p> <p>17 And Professor Feinstein has not provided any</p> <p>18 disaggregation of the potentially confounding</p> <p>19 information that came out in February 2019 and May</p> <p>20 of 2019.</p> <p>21                  Q. According to your position, because</p> <p>22 Doctor -- you're saying that Dr. Feinstein did not</p> <p>23 perform disaggregation. Okay. So I'll just</p> <p>24 accept that as true.</p> <p>25                  A. Okay.</p>

<p style="text-align: right;">Page 314</p> <p>1                   BOONE, Ph.D.  2                   Total number of media used was five  3                   and will be retained by Veritext.  4                   (Off the record.)  5                   (Stenographic and video-recorded  6                   deposition adjourned 6:09 p.m.)  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 316</p> <p>1  2                   CERTIFICATION OF WITNESS  3  4                   I, AUDRA L. BOONE, Ph.D., hereby certify that I  5                   have read the transcript of my testimony taken under  6                   oath in my stenographically recorded deposition on  7                   November 16, 2023, and that the transcript is a  8                   true, complete and accurate record of my testimony,  9                   and that the answers on the record as given by me  10                  are true and correct, subject to the changes and/or  11                  corrections, if any, shown on the attached page.  12  13  14                   AUDRA L. BOONE, Ph.D.  15  16                  Subscribed and sworn to before me this _____ day  17                  of _____, 2023.  18  19                   _____  20                  Notary Public State of  21  22  23  24  25</p>
<p style="text-align: right;">Page 315</p> <p>1  2                   C E R T I F I C A T E  3  4                   I, JOSEPHINE H. FASSETT, a Registered  5                   Professional Reporter, Certified Court Reporter, and  6                   Notary Public of the states of New York and New  7                   Jersey, do hereby certify that the witness, whose  8                   stenographically recorded remote virtual deposition  9                   is hereinbefore set forth, was first duly sworn by  10                  me on the date indicated, and that the foregoing  11                  stenographically recorded remote virtual deposition  12                  is a true and accurate record of the testimony given  13                  by such witness.  14                  I FURTHER CERTIFY that I am not employed by nor  15                  related to any of the parties to this action by  16                  blood or marriage, and that I am in no way  17                  interested in the outcome of this matter.  18                  IN WITNESS WHEREOF, I have subscribed my hand  19                  this 21st day of November 2023.  20  21                     22  23                   JOSEPHINE H. FASSETT, RPR, CCR  24                   NCRA License No. 32148  25                   CCR License No. 30XI00098400  26                   New York Notary Public  27                   New Jersey Notary Public</p>	<p style="text-align: right;">Page 317</p> <p>1  2                   ERRATA SHEET  3                   CASE: ALTA MESA RESOURCES, INC. SECURITIES  4                   LITIGATION  5                   DATE: NOVEMBER 16, 2023  6                   NAME: AUDRA L. BOONE, Ph.D.  7                   PAGE LINE(s)    CHANGE    REASON  8                   _____  9                   _____  10                  _____  11                  _____  12                  _____  13                  _____  14                  _____  15                  _____  16                  _____  17  18  19                   AUDRA L. BOONE, Ph.D.  20  21                  Subscribed and sworn to before me this _____ day  22                  of _____, 2023.  23  24                  _____  25                  Notary Public                   My Commission Expires</p>